m: 244 000 2/2

A RELATION

Of the business now in hand concerning

BEDFORD LEVELL,

Written in a

LETTER

TO

A VVorthy Member of this Parliament, by a person uninterested, more than in his publick desires to preserve a Work so beneficial for the Kingdom, and satisfaction of all just Interest relating to it.

725.d 27 14 K

London, Printed, in the Year, M. D. CLXI.

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BRITISH
MUSEUM

A Relation of the buſineſs now in hand concerning Bedford Levell.

ON *Wednesday* the ſixth of *May*, 1661. two Bills were read in the Houſe of Commons, concerning ſetling the Government of the *Great Level*, called *Bedford Level*. It is called *Great*, in reſpect it contains 365000. Acres of ground, and *Bedford Level*, becauſe *Francis* Earl of *Bedford* (being a perſon of the moſt eminent quality, and intereſt amongſt the firſt Undertakers) gave title to it: And it is called *Levell*, becauſe the whole ground lies ſo flat, that the eye cannot judge where the ground riſes or falls, being chiefly known by obſervation of the ſtop, or vent of water, the beſt judge of Levels.

Now to drain this *Level* from the ſource of waters which falls from the adjacent Hills, or contained in its own ſpungy nature, *Francis* Earl of *Bedford* was the firſt (though there were ſome attempters before) whoſe name, quality, and ability, both for underſtanding and purſe, gave life, vigour, and reputation to the Work.

13. Jan. 6 Car. 1. To him by a law made at *Lynne*, by persons of the chiefest rank; a power was given to act, and to take assistants, and for his charge and pains, he was to have 95000. Acres out of the 365000.

27 Feb. 7 Car. 1. The year following, his Lordship took to his Patticipants 13. persons more, men of undeniable integrity and ability, and those 14. did interchangeably seale Deeds to each other, binding themselves mutually to advance and go through the work; and this Deed is called the *fourteenth part Deed*, and it is the *foundation* of the first *Title* and *Bill*.

For the more effectual management and performance of the work, *Charls the first of blessed memory*, granted to
23. Mar. 10 Car. 1. them *Letters Patents*, and established them into a *Corporation*, consisting also of those 14. persons, save that *Matrevers*, *Sandys* junior, *Crane* and *St. John* came in upon Assignations or otherwise, from *Heath*, *Russel*, *Bevill*, and *Burwell*; and of these fourteen, one *Governor*, two *Bayliffs*, and 110. *Commoners* were constituted. And in the same *Patent*, the *King* engageth himself to confirm the *Corporation* at the next ensuing *Parliament*. The *Corporation* being thus fixt, they proceeded so successfully, that within less than three years the work
13 Jan. 12 Car. 1. was compleated; and by a Law made at *Peterborough*, the
11 Oct. 13 Car. 1. *Level* was adjudged to be effectually drained, and by a Law made at St. *Ives*, in 26. *Schedules* annexed to that *Law*, the 95000. Acres was set out, and afterwards thus divided, *viz.* 12000. to the *King* for his consent, and 80000. Acres was divided into 20. *Lots*, so as every Lot contained 4000. Acres; so there remained only 3000. Acres undisposed of for contingencies.

Now as to the 20. Lots I shall give you a Scheam, by

by which you ſhall ſee how they alſo fell upon fourteen perſons, the other ſix being but partners to the fourteen.

The firſt Participants mentioned in the fourteenth part Deed. Dated 27. *Feb.* 7 *Car.* 1.	*The Corporation ſealed by Patent.* 13 *Mar.* 10. *Car.* 1.	
1. *Francis* Earl of *Bedford.*	I. *Francis* Earl of *Bedford*, Governor, deceaſed.	
2. *Oliver* Earl of *Bullingbrook.*	I. Sir *Miles Sandys*, Knight and Baronet, Deputy Governor, deceaſed.	
3. *Edward* Lord *Gorges.*		
4. Sir *Robert Heath*, Knight.	Sir *Thomas Tiringham.*	Bayliffs deceaſed.
5. Sir *Miles Sandys*, Kt. and Baronet.	Sir *Miles Sandys*, junior.	
6. Sir *VVilliam Ruſſel*, Knight.	*Oliver* E. of *Bullingbrook*, deceaſed.	X. Commoners.
7. Sir *Robert Bevil*, Kt. of the Bath.	*Henry* Lord *Matrevers*, deceaſed.	
8. Sir *Thomas Tiringham*, Knight.	*Edward* L. *Gorges* deceaſed.	
9 Sir *Philibert Vernat*, Knight.	Sir *Francis Crane*, deceaſed.	
10. *VVilliam Samms*, Dr. of Law.	Sir *Robert Lovet*, deceaſed.	
11. *Anthony Hamond*, Eſquire.	*VVilliam Sams*, deceaſed.	
12. *Samuel Spalding*, Gent.	*Oliver St. John*, dead in Law.	
13. *Andrews Burwel*, Gent	*Anth. Hamond*	ſurviving
14. Sir *Robert Lovet*, Kt.	*Sam. Spalding*	ſurviving

The twenty Lots *in the first Book of* Lots *allotted to fourteen persons, and by them subscribed.*

Francis Earl of *Bedford* 3. 9. 11. 14. 20.

Sir *Philibert Vernat.* 1.

This mark * shews the Lots wherein they were sharers with others.

Sir *Miles Sandys* junior. 2.

Sir *Miles Sandys*, senior. 10. 13.

John Tiringham. 4. 6.

Robert Henley. 5. 6. 13. 17.

Edward Lord *Gorges.* 6. 15. 17.

Sir *Robert Bevil.* 7.

William Sams. 8.

Oliver Earl of *Bullingbrook.* 9.

Anthony Hamond. 12.

Sir *Francis Crane.* 16.

Henry Lord *Matrevers.* 18. 13.

John Latch. 19.

These six were Sharers *only in the* 6. 12. 13. *&* 17. *Lots.*

Arthur Ingram. 6.
Arthur Ameſley. 6.
John Marſham. 12.
Samuel Spalding. 13.
Oliver St. John. 17.
Robert Caſtle. 17.

And

And this is the *Title* of *Francis* Earl of *Bedford*, and the manner of proceeding, and ſetling it; but leſt you ſhould run into any error, it is fit you ſhould know alſo, that for ſome reaſons of State, not to be enquired into, His late Majeſty by a Law made at *Huntington*, (the yeat after the ſaid Patent) became the Undertaker, and he was to have not only the 95000. Acres, but 57000. Acres more, and the firſt *Undertakers* to be allowed 40000. Acres Tax-free, in recompence of their former charges, & induſtry. But in reſpect his now *Majeſty* is pleaſed to content himſelf with the 12000. acres formerly aſſigned to his late *Majeſty* (according to St. *Ives Law*) and not at this preſent to interpoſe himſelf, I ſhall not intermedle with his late *Majeſties Undertaking*, till his now *Majeſties* pleaſure be further known: But I conceive that ought to be deſired, before an *Act* can paſs to exclude his *Majeſty*, there being many many material Arguments both for and againſt it. But admitting his *Majeſty* doth wave that trouble, or the imploying of new Inſtruments under him, to prevent any diſſatisfaction to the adjacent Counties, or prejudice to the Participants of *Francis* Earl of *Bedford*: then this Narrative will run clear, that the ſaid *Francis* and his Participants have the right title, but being hindered for ſome time by his late *Majeſty*, and after by the commotions of the people, then by the ſucceeding wars, by ſequeſtrations, and their inevitable abſence, or death, they were diſabled in purſe, or perſon, or durſt not attend its preſervation. So that the King being *Martyrd*, and *Francis* Earl of *Bedford* formerly dead, and ſo many of his *Participants* (as conceive they had a right to neer a moity of the 83000. Acres) made uncapable,

18. July. 14 Car. 1.

capable, or having not a conſcience to act with them. I ſay *William* now Earl of *Bedford* (needing no other title but his own, as heir to his *Father*) did (by *inſnarement* (judging charitably of *thoſe* that had but few months before ſhred the *Kingdom* into a *Commonwealth*) ſuffer his name to be uſed, in a pretended *Act of Parliament*, dated 29. of May, 1649. Wherein were conſtituted ſuch ſubtile Laws, and ſuch *Commiſsioners* and *Judges* of the *Level*, as had endeavoured to level all but themſelves; for in the firſt place, they ſold the *Kings* 12000. Acres, and then above 30000. Acres of the *Participants* of the ſaid Earls *Father*, (being all loyall *ſubjects*) and upon theſe two titles (as I ſaid) two *Bills* were preſented to the Houſe to be enacted.

The title of the *Participants* claiming under *Francis* Earl of *Bedford*, was uſhered in with a *Petition*, and read in the Houſe before the other *Bill*, and therefore I ſhall firſt ſet down the *Petition* in the very words, and the ſubſtance of that *Bill*, before I proceed to the *Bill* of thoſe who claim by the Act of 1649.

The Petition was from Sir *William Playters* Knight, (Truſtee for the Earl of *Arundel*) Sir *John Hewet* Baronet, Sir *William Teringham* Knight of the *Bath*, Col. *Sam. Sandys*, Col. *Robert Philips*, Col. *William Dodſon*, and others claiming under the *Original Adventurers* of the great *Level* called *Bedford Level*.

Shewing,

That *whereas there hath been, and is a difference between the* Adventurers *under the right Honourable* Francis *Earl of* Bedford, *and the* Intruders *under the right Honourable* William *Earl of* Bedford, *the ſaid* Adventurers *under* Francis, *claiming their rights by vertue of a fourteenth*

part

part Deed, and ſeveral other Laws of Sewers, Letters Patents, *and orders of* Councel, *made in their behalf; and the ſaid* Intruders, *claiming under* William, *by colour only of a Law, made by the pretended* Parliament *in* 1649. *and by ſuch unjuſt diſſeiſin, and intruſions.*

They pray, *That an Act herewith tendered, in behalf of the Petitioners may be read, &c.*

The *Bill* attending the ſaid *Petition*, doth ſtate the ſaid *Earl Francis* his title, according as is before expreſſed; and the prayer of that *Bill* conſiſts of four parts: but before I proceed to thoſe, give me leave to uſe their language, with the reaſons in calling the *Participants* under *Earl Francis* (*Petitioners*) and thoſe under *Earl William* (*Intruders.*) For in calling them *Intruders*, the *Petitioners* ſay, that they do not in the leaſt intend by that word to prejudice the honour of *Earl William*, or to leſſen his intereſt in the Fennes, they mean ſo long as his Lordſhip, or any of his *Participants*, do make or derive their title from *Francis*, and his *Participants*: and not from *Forfeitures* upon that pretended Act of 1649. And the Petitioners do think his Lordſhip ſo ingenuous, noble, and loyal as not to ſupport that title: nor do the *Petitioners* aim to take away from any man the leaſt Acre that was *bona fide* paſt to them by the ſaid Earl *Francis*, or his Participants, or ſuch as juſtly claim under him or them before or ſince the twenty ninth of *May*, 1649. So that the Petitioners mean by *Intruders*, only thoſe that purchaſed the *Petitioners* lands upon the title only of that *pretended Act* for non payment of *Taxes*; ſo *illegally*, *unwarrantably*, (and they ſay alſo) *unneceſſarily impoſed.* For whereas all Deeds, before 1649. went in theſe words,

viz. Whereas Francis, &c. did by a *fourteenth part Deed*, &c. the *Intruders* have no other *preamble*, than the recital of the ſaid *pretended Act*, nor *title*, nor *Covenant* to defend them, ſo as none are injured but themſelvs, and ſeeing *Caveat Emptor* is a maxime in Law (the Petitioners ſay) why ſhould not the *Intruders* make reſtitution *cum omnibus emolumentis?* I confeſſe the *Intruders* reply plauſibly, *Give us our Tax-money we are out of, and take your Lands:* But the Petitioners adde to that old maxime, That the buſineſs of Tax, is not only an *unjuſt impoſition*, but a ſubject for cheating: for, firſt, when the 80000. Acres were divided into 20. Lots, each Lot did conſiſt of three ſorts of grounds, Bad, Indifferent, and Good.

Now whileſt each Lot ſtood entire in poſſeſſion of thoſe who firſt undertook them, it was equal; but being ſubdivided, to ſeveral perſons, it was unequal that that land ſhould pay a Noble *per* Acre, which was not worth 9. *d.* and that not above a Noble, which was worth above a pound. Then as to the opportunity of cheating, it was obvious to every one, that if ſome few of them that ruled the waters did confederate, it were eaſie to let in water upon good grounds, to make them worſe; and keep them upon bad, from being better, till the Taxes made them weary of them; and (the Petitioners ſay) this will be evidenced in caſe of *one* of the Intruders, who bought as many Fennes at 2. *s.* 6. *d. per* acre (the ſum not amounting to above two or three hundred pound) as within a ſhort time was ſold for 3. 4. and 5. *l. per* acre; ſo as about 30000. *l.* was made of them. By this *Act of Taxes*, Col. *Sam. Sandys* is deceived of above 7000. Acres (which was conveyed

to Truſtees for the Indemnifying him againſt great debts, wherein he ſtood engaged with Sir *Miles Sandys*) and the Earl of *Arundel* loſt his ſhares (by employing one to pay the Taxes, which ſuffered them to be forfeited, that there might be an opportunity to purchaſe them.) Something might be added in *Crane* and *Hoblyns* Caſe to the ſame effect, but I am loath to trouble you with more of theſe *ſad Truths*, and only wiſh that the *Intruders* may not hold *Machiavils maxim*, That *things which are unjuſtly gotten, muſt be unjuſtly maintained*, hoping the Intruders will prove better principled.

So that I conceive Sir, there will be no great difference in the Title, preſuming that the right Honorable *William* Earl of *Bedford* will own his Fathers Participants, rather than thoſe which came in by a Title ſo dangerous to be ſupported; as we may read in a Book of that eminent Lawyer Sir *Orlando Bridgeman*, in his proceedings againſt the Traytors at *Newgate*, who in ſeveral places intimates it as Treaſon to act by Acts made by an uſurped power, which perhaps is pardoned, if not proſecuted.

Now as to the Prayers of the Bill; the Petitioners in their firſt *Prayer*, fix upon the very number of perſons, *viz. fourteen* to be of this Corporation in this Bill, according to the original Inſtitution of it, both by Deed, Patent, and Allotments. And theſe fourteen to continue for one year, (being perſons of the greateſt, and righteſt intereſt under *Francis* Earl of *Bedford*, and leſs guilty of intruſion:) and then theſe to make election of others according as the ſaid Patent directs.

Now *the old Governors, Bayliffs and Commoners having been as they are named in the former Scheame,*

Theſe are the new Governors, as they are deſired in this Petitioners *Bill.*

The Governor.

I. *William* Earl of *Bedford*, as claiming under Earl *Francis.*

The Deputy Governor.

I. *Samuel Sandys*, Eſq; claiming under Sir *Miles Sandys.*

The two Bayliffs.

II. { Sir *William Tirringham* Knight of the Bath, claiming under Sir *Thomas* and *John Tirringham.*
Sir *John Hewet* Baronet, claiming under Sir *Robert Bevil.*

The ten Commoners.

X. { *Anthony St. John* ſon to the ſaid E. of *Bullingbrook.*
Sir *William Playters* Kt. and Baronet, Truſtee for the Lord *Matreuers* late Earl of *Arundel.*
Arthur E. of *Angleſey*, claiming under the L. *Gorge.*
Hoblyn, Eſq; claiming under Sir *Richard Crane* by Coheirſhip.
Col. *John Ruſſel* ſon to *Francis* late E. of *Bedford.*
John L. *Culpepper*, claiming under *Francis* Earl of *Bedford.*
Rob. Phillips Eſq; claiming under the heirs of *Gorge.*
Col. *Will. Dodſon* claiming under Sir *Miles Sandys.*
(*Oliver St. John* being diſabled from acting,)
Anth. Hamond Eſq; } The two only legal ſurvivors
Sam. Spalding Gent. } of the former *Corporation.*

In all 14.

But

But if the number be thought insufficient to carry on the work, the Petitioners will assent to an addition, so as they be not *Intruders*, or if the persons mentioned in the Petitioners Bill be not better and more rightfully qualified, than any others that the Earl *William* shall name, it will be submitted to the Parliament to judge of each others exceptions.

The second *Prayer* of the Petitioners Bill is, that 12000. acres may be restored to the King, which it seems the Intruders have done; and the Petitioners do protest that it was an Act of *Justice*, and hope they will proceed in the same *Justice*, in restoring theirs without further trouble, or noyse; and if they would also give his Majesty the 20000. *l.* for which they sold his land, and the mean profits of the Petitioners lands to the Petitioners, their Justice therein would be the more renowned.

The third *Prayer* is to avoid all Titles made by the *Intruders* upon the pretended *Act* of 1649. and that quiet *possession* may be given to the Petitioners, especially since the Petitioners were so kind, as not to oppose an *Act* in the last Parliament, whereby the *Intruders* (to their great gains) were not to be disturbed in their possession till the 29. of *May* 1661. a *day* when not only his *Majesty* made his *happy entrance* into his Dominions, *viz.* 29. *May* 1660. but every loyal subject may expect like *free entrance* into theirs; and the rather, because the very self same day that the *Intruders* obtained their *Act*, *viz.* May 1649. the very *same day* eleven years after, the last Act of the Intruders for continuing possession doth expire, *viz.* 29. May 1661. which was obtained by their own desires; so that they have

have the less reason to be any longer injurious upon any pretence whatsoever. But the Intruders say further, that the *Petitioners* had no possession by S. *Ives* Law; so that they did not dispossesse the *Petitioners* of that, which they were not possest of. To which the *petitioners* answer, that by a Law for the allotments in *Ireland* the very words of the Statute are, That the *Allotments* shall be judged as in actual possession of those to whom they were allotted, *for a Title is as safe in gross, as in retail*: And the *Petitioners* affirm, that by vertue of the participancy, under *Francis* Earl of *Bedford*, they did buy, sell, chop, change, sell and let their Lots, or part of them, without any dispute, til they were thrown out by the Intruders by colour of the pretended Act of 1649.

17 Car. 1.

The last part of the *Prayer* of the Petitioners Bill is to take care of the *Country*, wherein the *Petitioners* say, they are not ashamed to expose their accounts to the censure of such as the Parliament shall think fit to overlook their actions; and that there may be redress to such as justly complain, they do therein take care for the Countries interest.

And now I have done with the *title* and *desires* of the Petitioners Bill, I shall proceed to the Intruders Bill, but upon perusal of it, I find it is but the very same with the Bill of 29. May 1649. which is to be bought at Mr. *Husbands* a Stationer in *Fleetstreet*, wherein you will find very little matter added, but several material sentences omitted in that Act, *viz.* In pag. 570. it is said, *That the said* William *Earl of* Bedford, *&c. shall hold the same against the King, his Heirs and Successors, or any claiming by, from, or under him.*

And

And in pag. 574. *They chearfully take away all advantages which his Majesty, his heirs or Successors may challenge by reason of any former Laws made in behalf of him and his heirs*, viz. 19 *Jac.* and 14 *Car.* 1. too long here to transcribe. So that if they inserted these Clauses against his *Majesty*, &c. how could his loyal *Subjects*, the Petitioners, whom they had also discarded, or any other concerned, expect any right, till the Act it self of 1649. and those *Intruders* be also laid aside.

In short, the *Petitioners Bill* is to revive the old *Government*, to purge it of all *Intruders*, to restore the *King* his rights, and to do Justice to the Countries: But the *Intruders* Bill is full of Laws, before the Government be agreed on, or such Justice performed as is requisite.

I thought to have concluded, but perusing a printed Paper of the Intruders, called *A Narrative of their draining of* Bedford *Level*, about which, they say, that they have expended above 250000. *l.* and in another Narrative printed two days since, 50000. *l.* so that it seems they agree not in their account. I must tell you what the Petitioners say, That in the first Papet the *Intruders* admit the yearly charge to be but 8000. *l. per annum*, which from 1649. to 1660. being eleven years, is but 88000. *l.* So there is a gross mistake of 162000 *l.* besides the other sum of 50000 *l.* So that if the Petitioners should admit of 88000. *l.* raised in Taxes, by 8000. *l. per annum*, the *Intruders* are indebted to such as may justly call them to an account, for 20000. *l.* received by sale of the *Kings* lands, and more than double so much by the *sale* of the *Petitioners lands*, beside the *imperfections* of their *accompts*

and

and vaſt needleſs charges, for the ſupport of the ſaid Level; and the *Intruders* have no reaſon to complain of the Petitioners mercy, if they be put out, without giving account of the mean profits, eſpecially the Petitioners (or thoſe from whom they claim) having expended at leaſt 200000 *l.* (above twenty years ſince,) which the Petitioners conceive is part of the 250000 *l.* before pretended to be diſburſed; not have the Petitioners received any mean profits, or advantages for the ſame, wherein the Intruders have more than trebly reimburſed themſelves. So that if the Petitioners do not call the Intruders to an account, it is a favour admitted towards them for quietneſs ſake, which is wiſhed by

(SIR,)

Your Friend and Servant.

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